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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,027	12/14/2001	Toshiaki Iizuka	B422-178	5437

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/017,027	Applicant(s) IIZUKA, TOSHIAKI	
	Examiner Jonathan Ouellette	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1-15 have been cancelled and Claims 16-25 have been added; therefore Claims 16-25 are now pending in application 10/017,027.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 19-21, 23, and 25** are rejected under 35 U.S.C. 102(e) as being anticipated by **Aikens et al. (US 6,216,113)**.

4. As per new **independent Claims 19, 23, and 25**, Aikens discloses a server apparatus (control method, record medium) for charging to use a software installed in a client terminal device, said apparatus comprising: usability permission request receiving means for receiving from said client terminal device a request of permitting usability of any of said functions (Figs.2-5, Valid Access/Valid Acct#/Exceed Acct. Limit); usability permission informing means for informing a notice of usability permission of any of said function to the client terminal device (Fig.5, Yes/No to Validity, Validity Control);

charge means for periodically charging to the function in a state of usability permission among the functions in said software (C4 L36-42); usability termination request means for receiving from said client terminal apparatus a request of terminating usability of any of functions in a state of usability permission among said functions in said software; charge control means for controlling said charge means to terminate charge for said functions in response to said usability termination request; and usability termination informing means for informing said client terminal apparatus of a notice of usability termination of said functions (C5-C6, Account inactivated/ usability terminated due to exceeding usage limit).

5. As per new Claim 20, Aikens discloses wherein said function is at least one of a scan function, print function, a copy function and a facsimile transmission function (Fig.4, print function).
6. As per new Claim 21, Aikens discloses wherein said charge means executes charge process in response to reception of request of usability permission from the client terminal device, and said usability permission information means informs means informs the client terminal device of a notice of usability permission of said function when said charge process is executed (Fig.5, Acct. Limit).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention

was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 16-18, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aikens et al. (US 6,216,113).**
9. As per new **independent Claims 16, 22, and 24**, Aikens discloses a client terminal device (control method, record medium) in which a software including a plurality of functions is installed (Fig.1), the device comprising: selection means for selecting any of said functions in response to a user's operation (Figs.2-5, Valid Access/Valid Acct#/Exceed Acct. Limit, C5); usability permission request means for requesting a server apparatus to permit usability of said selected function; execution means for executing said function when notice of usability permission of said function is received from the server apparatus (Fig.5, Yes/No to Validity, Validity Control).
10. Aikens fails to expressly disclose count means for counting a period in which said function is not executed; usability termination request means for requesting the server apparatus to terminate a usability of said function if said counted period exceeds a threshold; and usability termination receiving means for receiving a notice of usability termination of said function from the server apparatus.
11. However, Aikens does disclose the use of billing counters (C5) and the periodic accumulation of billing information (C4 L23-35), and it would have been obvious to one of ordinary skill in the art at the time the invention was made cancel the account or to stop replenishing funds in the account (equivalent to stopping charges) if the billing count information was null upon billing information transfer.

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12. As per new Claim 17, Aikens discloses wherein said function is at least one of a scan function, print function, a copy function and a facsimile transmission function (Fig.4, print function).
13. As per new Claim 18, Aikens discloses icon display means for displaying icons corresponding to said functions, said icon display means displays distinctly between functions in a state of usability permission and functions in a state of usability termination (C2, L51-65, Icons).

Response to Arguments

14. Applicant's arguments filed 6/20/2006 have been fully considered but are moot in view of the new ground(s) of rejection.
15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
16. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

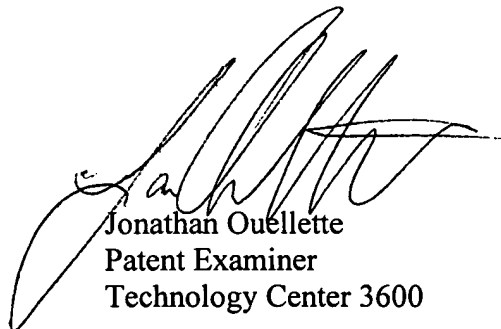
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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

August 23, 2006



Jonathan Ouellette
Patent Examiner
Technology Center 3600